IN THE HIGH COURT OF JUDICATURE

ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE MR JUSTICE J.CHELAMESWAR

and
THE HON'BLE MR JUSTICE M.VENKATESWARA REDDY

WRIT PETITION NO : 17017 of 2005

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Dated: 8th August 2005.

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Between:

Boya Rangappa

..... PETITIONER

AND

The Sub-Inspector of Police,

Kalyandurg Police Station and another

.....RESPONDENTS

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THE HON'BLE SRI JUSTICE J.CHELAMESWAR

AND

THE HON'BLE SRI JUSTICE M.VENKATESWARA REDDY

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W.P.NO.17017 OF 2005

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ORAL ORDER:

(Per the Hon'ble Sri Justice J.Chelameswar)

This Habeas Corpus petition is filed with the prayer as follows:

> "For the reasons stated above accompanying affidavit, the petitioner herein prays that this Hon'ble Court may be pleased to issue a writ of Habeas Corpus, directing the respondents to produce my brother by name B.Narsimhulu S/o.Peddanna, aged about 24 years, before this Hon'ble High Court, after declaring that his detention by the respondents is illegal and to pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case."

The petitioner filed the writ petition complaining that his younger brother one B. Narsimhulu was picked up by the police, claiming to be the constables of Kalyandurg police station, on 27th July 2005 at 12-45 a.m. Various other allegations were made in the accompanying affidavit, the details of which may not be relevant at this stage.

On 2nd August 2005, when the matter was taken up for admission, the learned Advocate General took notice on behalf of the respondents and sought time to file counter.

Today, when the matter is taken up, counter affidavit filed by the Sub Inspector of Police, Kalyandurg police station, is placed before this Court. According to the counter affidavit, the alleged detune Narsimhulu figures as an accused in a number of crimes of various police stations viz., Crime Nos. 58, 60, 106 of 2004 and 11 of

2005 and he was absconding. The alleged detune was arrested on 3rd August 2005 at Duddekunta Village Bus Stop, Beluguppa Mandal, and he was duly produced before the Magistrate, who in turn, remanded to judicial custody.

The fact that the alleged detune is already remanded to judicial custody is not disputed.

In the circumstances, we do not see any reason to proceed further with the enquiry in the Habeas Corpus petition and the same is liable to be dismissed.

The writ petition is accordingly dismissed at the stage of admission. No costs.

J.Chelameswar, J

M.Venkateswara Reddy, J

8th August 2005

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